



FREDERICK COUNTY PLANNING COMMISSION

September 8, 2021

TITLE: **Crestwood Manor**

FILE NUMBER: **SP90-15 AP SP264018**

REQUEST: **Site Development Plan Approval**

The Applicant is requesting Site Development Plan approval for a multifamily dwelling development consisting of 120 dwelling units within 3 buildings and 1 existing house (community amenity) on two lots containing a total of 9.52-acres.

PROJECT INFORMATION:

ADDRESS/LOCATION: 5614 New Design Road, located approximately 450 ft. south of the intersection of New Design Road and Crestwood Boulevard
MAP/PARCEL: Tax Map 77, Parcel 30
COMP. PLAN: High Density Residential
ZONING: R-16 – High Density Residential
PLANNING REGION: Frederick
WATER/SEWER: W-1/S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: OSPREY Property Company II LLC
OWNER: MANCHESTER PARTNERS LLC
ENGINEER: Dewberry Engineers, Inc.

STAFF: Ashley M. Moore, Principal Planner

RECOMMENDATION: **Conditional Approval**

Enclosures:

Exhibit #1 – Site Plan Rendering
Exhibit #2 – Elevations
Exhibit #3 – Modification Letter

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Development Plan approval for the construction of 120 multi-family dwelling units on two lots totaling 9.52-acres. The proposed use is being reviewed as “**Multifamily Dwelling Development**” under the heading of **Residential Uses** per § 1-19-5.310 of the Zoning Ordinance and is a permitted use subject to Site Development Plan approval.

BACKGROUND

Development History

The Site was originally zoned Agricultural and rezoned to R-16 High Density Residential in 1989 (Case #R-88-50). The Board of County Commissioners (BOCC) approved the rezoning (Ordinance # 89-39-570 effective June 12, 1989) with the following conditions:

1. A maximum of 144 dwelling units may be constructed on this property.
2. The maximum floor area for new construction on this site (excluding the house and out-buildings existing on the date of the enactment of this Ordinance) shall be 100,000 square feet.
3. In accordance with the site development plan submitted by the applicant with this application in this case, no more than 25% of the property shall be covered in buildings, parking area or access roads. The remaining area will be in green area or outdoor recreation areas.

The property went through many site development plan applications that were never approved or if approved, never constructed. In July 1990, the property was approved for 144 unit elderly housing development under the Manchester Court application, which consisted of clusters of 2-3 story buildings. In April 2015, another site plan was approved for the Villas at Manchester Court application, which permitted 73 multifamily units between 13 buildings.

In 2014, a request was submitted to the County for a rezoning condition amendment (Case # R-88-50 (A)) to eliminate conditions #2 and #3 as listed in Ordinance 89-39-570. On May 28, 2014, the Frederick County Planning Commission voted to recommend approval of the request and on June 17, 2014, the BOCC voted to approve the revised Ordinance 89-39-570. The revised ordinance maintained condition #1, deleted conditions #2 and #3 and added the following condition:

2. The existing farmhouse/residence and smokehouse on the property shall be preserved. Therefore, two conditions are placed on the Site in regards to the maximum total of units and the preservation of the existing farmhouse/residence and smokehouse as stated in note #5 on sheet 1.

The project is subject to a Development Rights and Responsibilities Agreement dated October 9, 2014 and recorded in Liber 10241 Folio 427. The Combined Preliminary/Final Plat for Crestwood Manor (PL264018) is also being heard before the Planning Commission on September 8, 2021.

Existing Site Characteristics

The Site is heavily wooded with the existing house situated towards the rear. Also on the Site is an existing smoke house, garage, and indoor pool. Wet and flooding soils run along the western property line. There is a single access from New Design Road. The driveway loops around the existing carport. See Graphic #1 & 2 below.

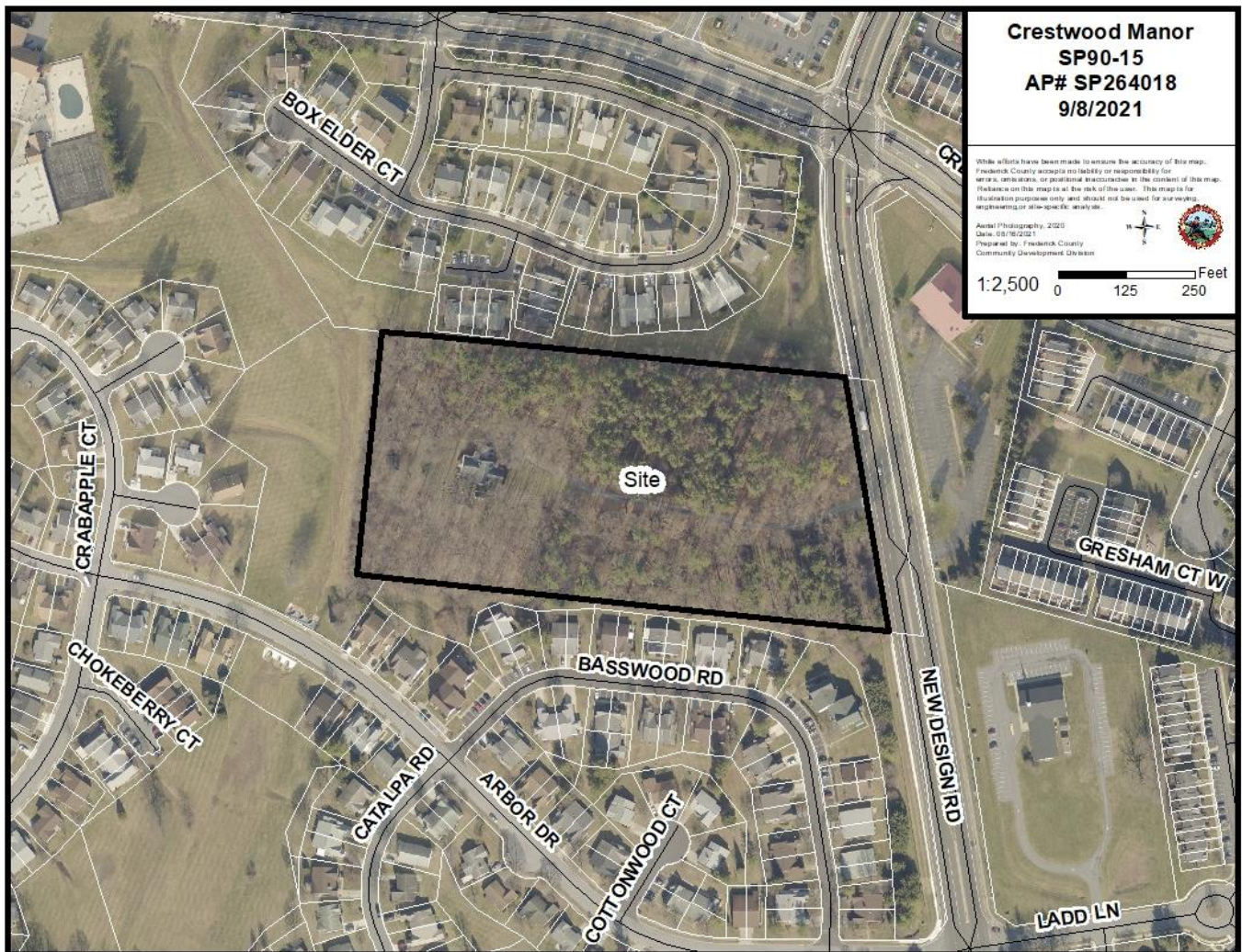
The Site is zoned R-16 High Density Residential with a County Comprehensive Plan land use designation of High Density Residential. The Site is surrounded on the north, south, and west of the residential neighborhood Crestwood Village (zoned PUD). The Site is east of the Parkway Community Church, New Design Church, and the Foxtrot II Subdivision (all zoned R8). See Graphic #3 & 4.

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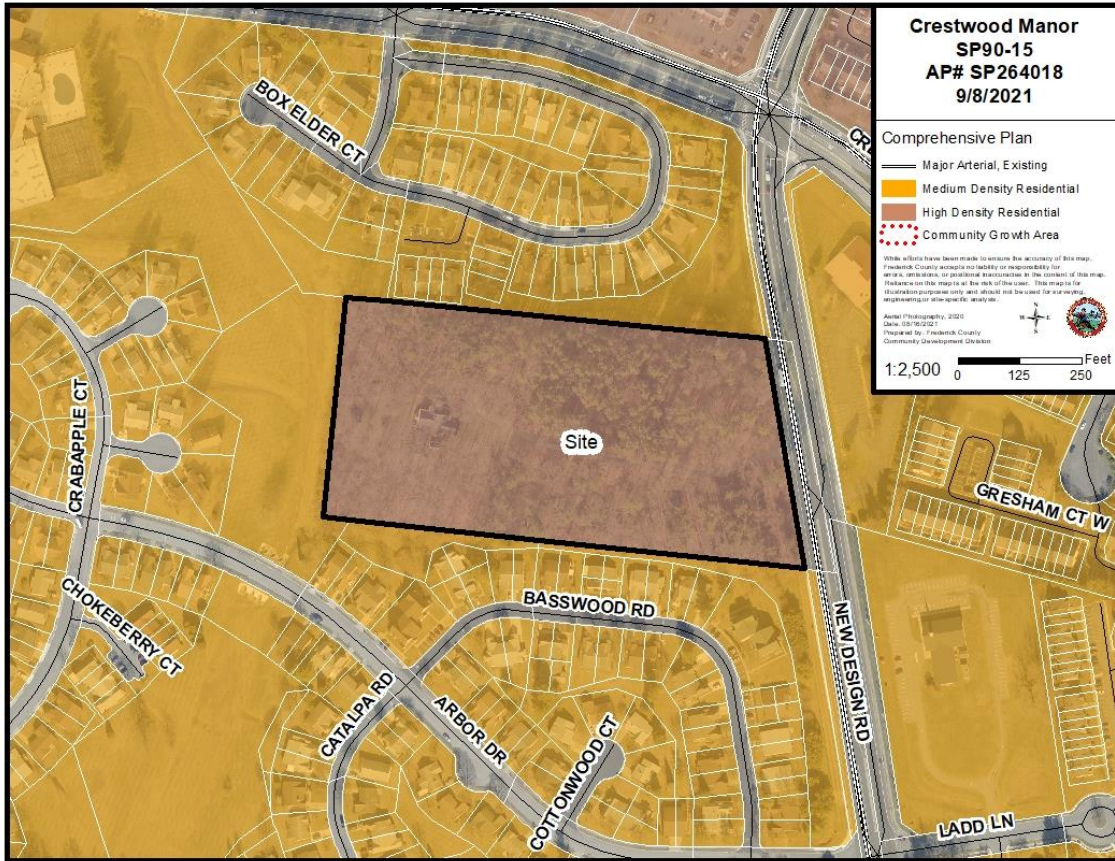
Graphic #1



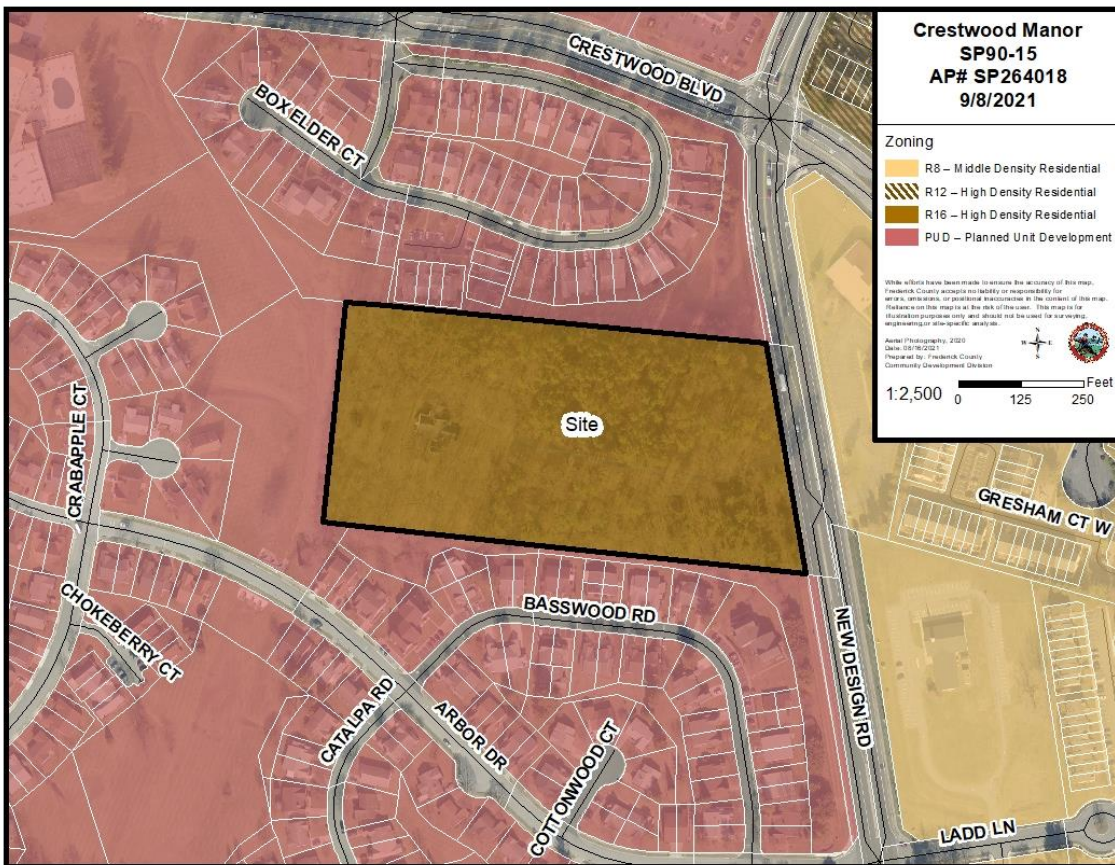
Graphic #2: Aerial



Graphic #3: Zoning



Graphic #4: Comprehensive Plan



ANALYSIS

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of Chapter 1-19 (Zoning) of the Frederick County Ordinance (the “Ordinance”).

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

1. Dimensional Requirements/Bulk Standards § 1-19-6.100:

The design requirements for a multifamily dwelling unit use in the R-16 district are as follows: Front Yard – 40 ft., Side Yard and Rear Yard – equal to the height of the structure (lot 1 - 41 ft. and lot 2 - 44 ft. provided). The minimum lot area per unit is 2,700 sq. ft. (lot 1 = 2,828.5 sq. ft. per unit and lot 2 = 4,035.85 sq. ft. per unit provided). The minimum lot width is 100 ft. (lot 1 = 229 ft. and lot 2 = 252 ft. provided). The maximum height requirement for proposed structures is 100 ft. The proposed building heights are 41 ft. for building A, 44 ft. for buildings B, and 42 ft. for building C, as measured by the Ordinance. The proposed development meets all dimensional lot and building height requirements.

2. Signage §1-19-6.320: One Subdivision and Community Identification sign is permitted. The identification sign is located at north of the entrance on lot 2. The maximum square footage for the sign is 64 sq. ft. at a maximum height of 6 ft. The proposed sign is 10.67 sq. ft. with proposed height of 6 ft. which meets the zoning requirements.

3. Landscaping §1-19-6.400:

- **Street Trees §1-19-6.400(A):** The Ordinance requires 1 street tree per 35 linear feet of road frontage. The frontage of the portion of the property being reviewed is approximately 480 ft., which would require 14 street trees ($480 / 35 = 13.71$) along New Design Road. The Applicant is providing 14 new street trees along their eastern property boundary.
- **Land Use Buffering and Screening §1-19-6.400(B):** The Ordinance states “All other uses: buffering and screening for all other land uses shall be determined by the Planning Commission.” The Site is surrounded by residential uses. A combination of the existing wooded areas in rear and proposed landscaping planted along the north, south, and eastern boundaries sufficiently screen the development from neighboring properties.
- **Parking Area Buffering and Screening §1-19-6.400(C):** There are parking areas throughout the Site. The parking areas are predominately situated to the north and south of the proposed buildings. There is landscaping that screens the parking areas from New Design Road and the adjacent properties.
- **Parking Area Landscaping §1-19-6.400(D):** The Applicant is required to provide 20% canopy or 15,731 sq. ft. over the parking area with shrubs within the planting area. The Applicant is providing 16,186 sq. ft. or 20.6% canopy cover.
- **Landscaping, Screening, or Buffering §1-19-6.400(E):** All landscape material must be maintained in a living condition. The proposed Site plan emphasizes predominately native species and no invasive species are specified.

4. **Lighting §1-19-6.500:** There will be 47 pole mounted lamps throughout the Site. The proposed fixtures will be 14 ft. high. The fixtures are to be fully shielded and directed downward onto the Site. The brightness levels do not exceed the maximum 0.50 foot-candle measurement at the property line except in approximately five areas that exceed the measurement on the Lighting Plan. There are 3 areas along the north property boundary that measure 0.6 foot-candles and 1 area along the southern property boundary that exceed 0.6 foot-candles. The northern and southern light trespass occurs onto HOA property and not onto an individual property owner's lot. The remaining area is with an area reserved for dedication along New Design Road, which also measures 0.6 foot-candles. The lighting measurements do not take in account the proposed landscaping along the boundaries. The backside lens/refractor is intended to be shielded. However, there is no lighting model that can be used to accurately reflect the shielding.

Modification: A lighting modification to allow light spillage on the areas shown on the lighting plan.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** There is currently an existing driveway accessed from New Design Road. The access will be shifted downward and sole access for both lots will be made from Lot 2. The existing driveway will remain an emergency access with a mountable style curb. An internal drive provides a loop around the Site serving both lots. A shared access easement which would include use of the drive aisles and parking spaces is required and is a condition of the Combined Preliminary / Final Plat (PL264042).
2. **Connectivity §1-19-6.220(F):** There are no proposed connections to adjacent properties as part of this development due to the surrounding abutting residential neighborhood.
3. **Public Transit:** This Site is situated along the route of the #10 Connector. The nearest bus stop is located on the southwest corner of Crestwood Blvd and New Design Road.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:**
The Ordinance requires the multi-family dwelling use to provide 1 space per unit, plus ½ space for each bedroom in the dwelling unit. The community building requires 1 space for each 5 seats. Therefore, 247 spaces are required for the entire development. The Applicant is providing 252 spaces, a 5 space surplus over the total required.

Modification: A parking modification to allow 5 additional parking spaces resulting in 252 parking spaces.

Loading Spaces:

No loading is required for this multifamily dwelling use.

5. **Pedestrian Circulation and Safety §1-19-6.220 (G):** There are existing sidewalks along New Design Road. The Applicant is providing two sidewalk connections at north and south points along the frontage to the road. There are also pedestrian connections around the buildings leading to the parking areas and connecting to the community amenity building.
6. **Bicycle Parking §1-19-6.220 (H):** The Ordinance requires bicycle parking for residential uses to

provide 1 rack for each 10 units or 12 racks. The Applicant is providing 12 racks distributed between the residential buildings. Design accommodations will be made for an on-street bicycle lane as part of the road widening for the deceleration lane.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

Private Well and Septic: The Site is currently classified W-1 and S-1 in the Water and Sewerage Plan and will be served by a public water and sewer system.

Natural features §1-19-3.300.4 (D): *Natural features of the Site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The Site is relatively flat with the high point along New Design Road and a gentle slope decreasing toward the rear of the property.
2. **Vegetation:** The property contains 7.45 acres of existing forest. Much of that forest will be cleared as explained in the FRO section. The Applicant proposes to clear 7.05 acres of forest and place the remaining 0.40 acres of forest into a FRO easement. The site also contains six specimen trees (trees 30" or greater in diameter). The Applicant is proposing to remove five specimen trees. The remaining one specimen tree will be retained and protected.
3. **Sensitive Resources:** There are slopes greater than 25% in a narrow area along the frontage of New Design Road where the entrance is located. There are no habitats of threatened or endangered species on this Site. There are flooding soils along the western property boundary and the required 25 ft. setback is shown. The area will remain wooded or reforested, as noted on the plan. The proposed residential structures are not within 100 feet of the wet soils boundary and the units will not contain basements therefore submission of a geotechnical report is not required.
4. **Natural Hazards:** There are no floodplains or wetlands indicated on the Site. However, the FEMA floodplain buffer does fall slightly onto the Site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area:** The subdivision ordinance requires 726 sq. ft. of park land to be dedicated for each dwelling unit for all residential districts (except R-1 districts and developments with 59 or less dwelling units). The Applicant is proposing a combination of community park/recreation area which will serve as common areas. The ordinance requires 2 acres of

**Crestwood Manor
September 8, 2021**

community park/recreation area for the development and the Applicant is providing 2.54 acres. Fifty percent (50%) of the parkland requirements shall be dry ground recreational area and the Applicant is providing 1.70 acres (67%); the remaining 0.50 acres (33%) are within flooding soils. The ordinance also specifies that 50% of the dry ground recreational area shall not exceed a grade of 5%. Of the required parkland area, 0.50 acres are required to be less than 5%. The Applicant is providing 0.5 acres of dry parkland area that does not exceed 5%. Parkland area between the buildings is less than 5% and a portion of the area will have small play structures. As stated in Note 17 on sheet 1, all open spaces and private streets shall be owned and maintained by a Home Owner's Association.

Other Applicable Regulations

Moderately Priced Dwelling Units – Chapter 1-6A:

All residential developments consisting of 25 units or more on public water and sewer are required to provide no less than 12.5% of the total units as MPDUs. The Crestwood Manor development proposes 120 dwelling units, therefore 15 MPDUs are required. The development can utilize a government affordable rental housing program to satisfy the MPDU requirement, as allowed in accordance with §1-6A-5.2 of the Frederick County Code. The Applicant was awarded Low Income Housing Tax Credits (LIHTC) to create 110 affordable housing units. The proposed units are not specifically designated housing for elderly and are also not assisted living. At the time of this report, an agreement with Frederick County Department of Housing and Community development has not been executed.

Condition: An MPDU agreement is required to be approved and recorded prior to final site plan approval. Revise note 28 on Sheet 1 of the site plan to accurately reflect how the MPDU requirement is being met.

Stormwater Management – Chapter 1-15.2: Stormwater management will be provided in accordance with the Maryland SWM Act of 2007.

APFO – Chapter 1-20:

Roads: This development met the requirements of APFO at subdivision plan approval (PL264042) and is therefore exempt from further APFO testing and consideration at site plan. (§1-20-7(E)). The proposed site development is anticipated to generate 43am and 53pm weekday peak hour trips and is subject to an existing Letter of Understanding with an expiration date of September 8, 2023.

Schools: The Project is projected to generate 16 elementary school students, 6 middle school students and 10 high school students. Based on these numbers and considering enrollment projections from pipeline development, the school adequacy test meets the standards of adequacy at all 3 levels.

Water and Sewer: The Property has water and sewer classifications of W-1 and S-1. While the public sewer and water facilities are currently adequate to serve the Project, the Applicant is aware that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

Forest Resource – Chapter 1-21: The Applicant has submitted a Combined Preliminary/Final Forest Conservation Plan (FRO Plan F264020) and Forest Modification Request (FRO Mod F264021). These

FRO items are reviewed with the Combined Preliminary / Final Plat application, which was also heard on September 8, 2021. Therefore, a FRO exemption (F264043) was approved as part of the Site Plan.

Historic Preservation – Chapter 1-23: The Site contains a large stuccoed stone and brick house. The Maryland Historical Trust Review Form states that the Manchester property is not eligible for the National Register of Historic Places. However, the property is associated with Margaret Scholl Hood, a locally prominent figure. In addition, the 2014 rezoning condition amendment revised the 1989 Rezoning Ordinance (89-39-570) to require preservation of the residence and structure. The revised ordinance added a new condition that states the following: The existing farmhouse/residence and smokehouse on the property shall be preserved. The Phase I rezoning condition has been met with this proposed development. The existing residence and smokehouse will remain as a community amenity building. Historic Preservation staff have reviewed and approved the plan.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Public Works Development Review	Approved
Development Review Planning	Approved
Office of Life Safety	Approved
Development Review Transportation Engineering	Approved
Forest Conservation (FRO)	Approved
Adequate Public Facilities (APFO)	Approved
Street Name Review	Approved
Division of Water and Sewer Utilities (DWSU)	Approved
Board of Education	Approved
Historic Preservation	Approved

RECOMMENDATION

Staff has no objection to conditional approval of the Crestwood Manor Site Development Plan. If the Planning Commission conditionally approves the Site Development Plan, the Site plan is valid for a period of three (3) years from the date of Planning Commission approval.

Based upon the findings and conclusions as presented in the staff report, the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

Planning Commission approval of the following modification request from the Applicant:

1. A parking modification to allow 5 additional parking spaces resulting in 252 parking spaces.
2. A lighting modification to allow light spillage on the areas shown on the lighting plan.

Staff-proposed conditions of approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. Final Plat PL264042 must be recorded and noted on the Site Plan prior to the Site Plan being stamped approved.
3. An MPDU agreement is required to be approved and recorded prior to final site plan approval. Revise note 28 on Sheet 1 of the site plan to accurately reflect how the MPDU requirement is being met.

PLANNING COMMISSION ACTION

MOTION TO CONDITIONALLY APPROVE

I move that the Planning Commission **CONDITIONALLY APPROVE** Site Plan SP90-15, AP SP264018, with modifications as listed in the staff report for the proposed Site plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit #1 - Site Plan Rendering

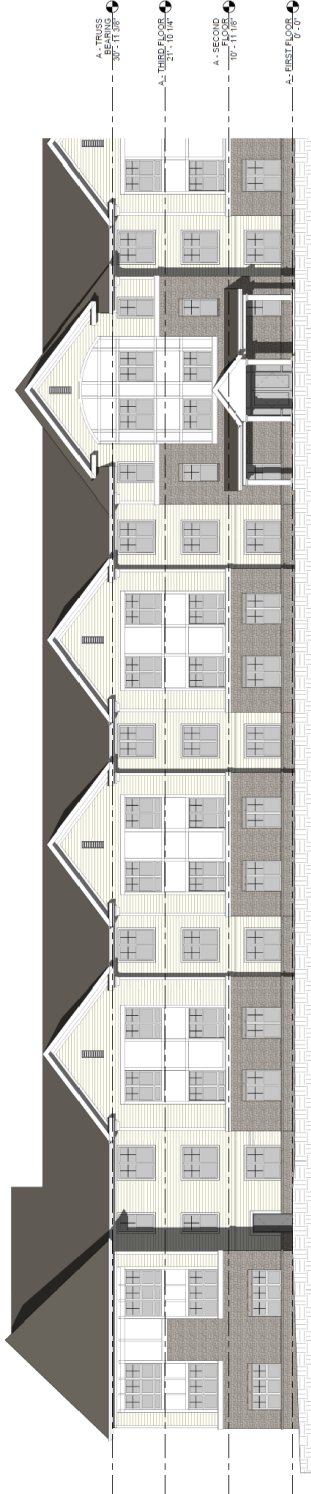




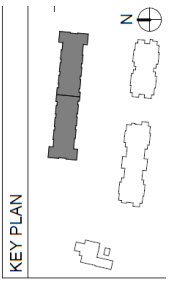
K3 BUILDING A - NORTH ELEVATION PRESENTATION OVERALL

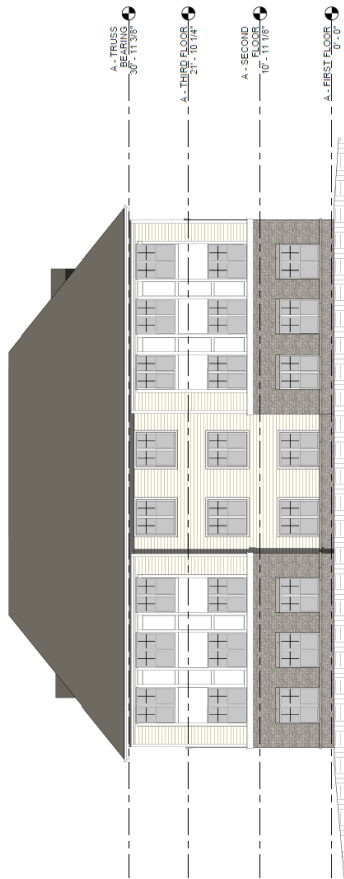


F9 BUILDING A - NORTH ELEVATION PRESENTATION AREA A



B9 BUILDING A - NORTH ELEVATION PRESENTATION AREA B

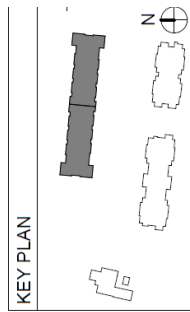


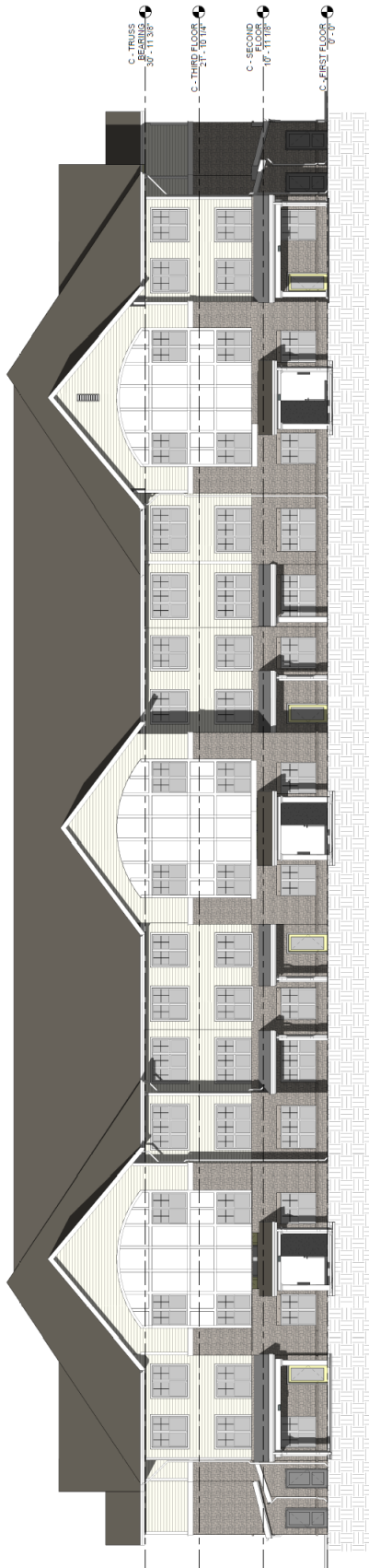


(H10) BUILDING A - EAST ELEVATION PRESENTATION
1/8" = 1'-0"

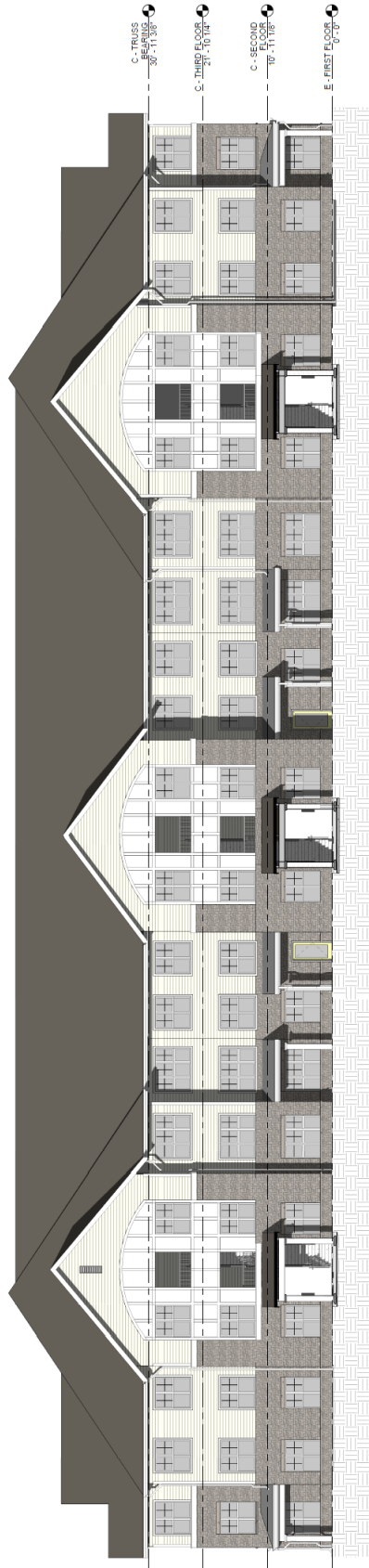


(C10) BUILDING A - WEST ELEVATION PRESENTATION
1/8" = 1'-0"





G9 BUILDING B - NORTH ELEVATION PRESENTATION
18'-1 1/2"



B9 BUILDING B - SOUTH ELEVATION PRESENTATION
18'-1 1/2"

KEY PLAN

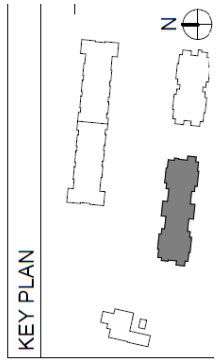


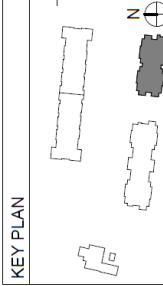


G11 BUILDING B - EAST ELEVATION PRESENTATION
1/8" = 1'-0"



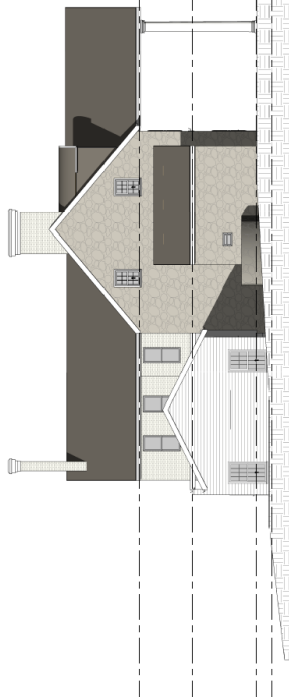
C11 BUILDING B - WEST ELEVATION PRESENTATION
1/8" = 1'-0"



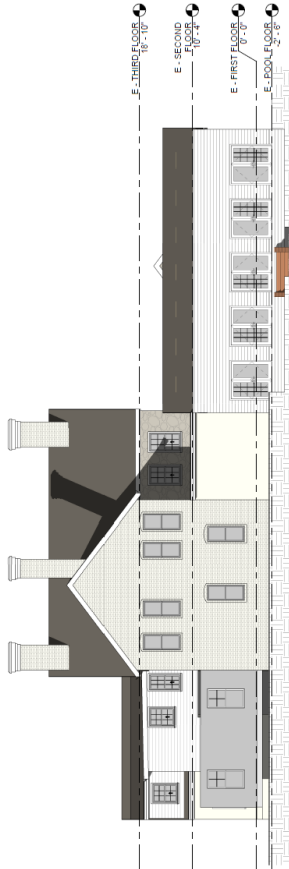


C6 BUILDING C - EAST ELEVATION PRESENTATION
18' x 12'

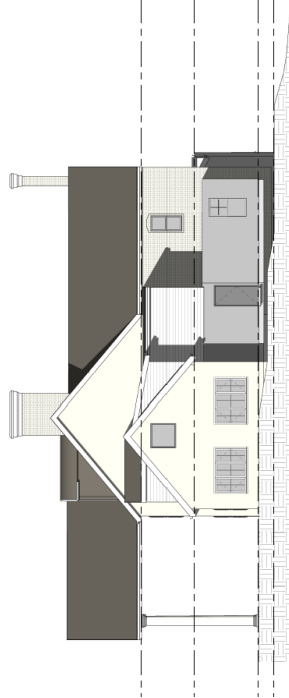
C3 BUILDING B - NORTH ELEVATION PRESENTATION
18' x 12'



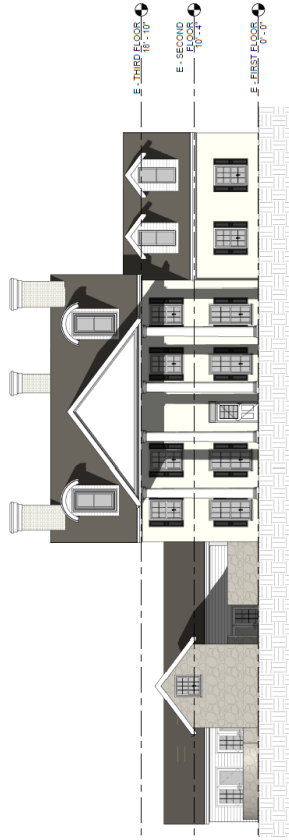
G16 BUILDING D - SOUTH ELEVATION PRESENTATION
156' x 122'



G7 BUILDING D - WEST ELEVATION PRESENTATION
156' x 122'

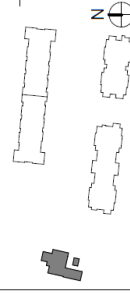


C16 BUILDING D - NORTH ELEVATION PRESENTATION
156' x 122'



D6 BUILDING D - EAST ELEVATION PRESENTATION
156' x 122'

KEY PLAN



June 25, 2021

Ashley Moore
Frederick County Division of Planning and Permitting
Department of Development Review and Planning
30 N. Market Street
Frederick, MD 21701

**RE: Crestwood Manor – Type I Site Plan (A/P#SP264018)
Modification Request**

Dear Ms. Moore,

On behalf of our client, Osprey Property Company II, LLC, we respectfully submit for consideration by the Planning Commission this request for modifications to requirements set forth in the Frederick County Zoning Ordinance. In addition, we are providing justification for each requested modification.

Lighting Plan Modification

Pursuant to §1-19-6.500(D) of the Zoning Ordinance, lighting shall not exceed .50 foot-candles as measured from the property line. The Planning Commission may modify the lighting standards within this section based on characteristics of the proposed use, photometric studies, nationally recognized standards, or other documentation as approved by the Planning Commission. We request a modification to allow spillover of light over the property line at the following locations:

1. Three locations along the northern property line (approximately 0.60 fc).
2. One location along the southern property line (approximately 0.60 fc).
3. The proposed main entrance at New Design Road (approximately 0.60 fc).

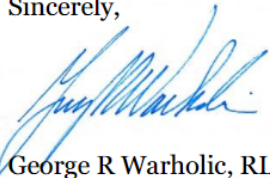
The spillover will provide additional illumination at the New Design Road entrance to emphasize the intersection and increase visual safety and only slight trespass (approximately 0.60 fc) at four locations along the north and south property lines onto HOA parcels and not onto homeowner's private lots.

Parking Modification

Pursuant to §1-19-6.200 of the Zoning Ordinance, parking spaces shall be limited to the number of spaces required by the proposed use in the table found in 1-19-6.220 and an increase or reduction in the number of required spaces may be granted by the Planning Commission. We request that an additional 5 spaces (252-247=5) be provided over the 247 spaces required for the multi-family and community center use. The additional 5 spaces provide a surplus of 2% to provide visitor / overflow parking for the development.

If you have any questions or concerns related to our understanding written above, or any of the submitted documents, please do not hesitate to contact me at your convenience.

Sincerely,



George R Warholic, RLA
Project Manager

Cc: Brian Lopez & Joe Clark, Osprey Property Company II, LLC

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